

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

GILBERT CHAVEZ

§

VS.

§

CIVIL ACTION NO. 1:09cv516

REGINALD GOINGS

§

MEMORANDUM OPINION

Plaintiff Gilbert Chavez, formerly an inmate at the Larry Gist State Jail, proceeding *pro se*, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983.

Institutional officials have informed a member of the court's staff that plaintiff is no longer at his unit of incarceration. Plaintiff has not provided the court with a new address. By not providing the court with a current address, plaintiff has made it impossible for the court to communicate with him and move this matter towards disposition.

Federal Rule of Civil Procedure 41(b) authorizes the district court to dismiss an action for want of prosecution *sua sponte* whenever necessary to achieve the orderly and expeditious disposition of cases. *Anthony v. Marion County General Hospital*, 617 F.2d 1164, 1167 (5th Cir. 1980). *See also McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). The exercise of the power to dismiss for failure to prosecute is committed to the sound

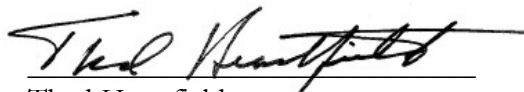
discretion of the Court and appellate review is confined solely in whether the Court's discretion was abused. *Green v. Forney Engineering Co.*, 589 F.2d 243 (5th Cir. 1979); *Lopez v. Aransas County Independent School District*, 570 F.2d 541 (5th Cir. 1978).

By failing to provide the court with his correct address, plaintiff has failed to diligently prosecute this case. This case will therefore be dismissed.

#### Conclusion

For the foregoing reasons, this action will be dismissed without prejudice for want of prosecution. An appropriate Final Judgment shall be entered in accordance with this Memorandum Opinion. If plaintiff wishes to reinstate this case on the court's active docket, he may do so by providing the court with his correct address within 60 days of the date set forth below.

**SIGNED** this the 5 day of January, 2010.

  
Thad Heartfield  
United States District Judge